

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:23CR26
vs.)
JUSTIN WAYNE BURNEY,) ORDER
Defendant.)

This matter came before the court on the defendant's Unopposed Motion to Continue Trial [55]. Joe Meyer appeared on behalf of the government. Karen Shanahan appeared on behalf of the defendant. The defendant appeared in person. The government confirmed that it does not intend to offer a plea agreement for a sentence below the mandatory minimum. The defendant requested additional time to decide whether to request a change of plea hearing or proceed to trial. The government does not oppose a continuance. Under these circumstances, the court finds good cause for one more continuance to allow the defendant to decide how he wishes to proceed.¹ Accordingly,

IT IS ORDERED that the Unopposed Motion to Continue Trial [55] is granted, as follows:

1. The jury trial now set for July 16, 2024, is continued to **August 20, 2024**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and August 20, 2024**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(iv).
3. **No further continuances will be granted absent extraordinary circumstances and without requesting a hearing before the undersigned magistrate judge.**

DATED: July 9, 2024.

BY THE COURT:

**s/ Michael D. Nelson
United States Magistrate Judge**

¹ As discussed during the hearing, the defendant shall advise the court and counsel for the government of his intentions on or before July 30, 2024.